

and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.”

1997—Subsec. (g). Pub. L. 105–85, § 842(a), substituted “2002” for “1998”.

Subsec. (h). Pub. L. 105–85, § 842(b), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows:

“(h) REPORT.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.”

§ 2682. Facilities for defense agencies

The maintenance and repair of a real property facility for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense will be accomplished by or through a military department designated by the Secretary of Defense. A real property facility under the jurisdiction of the Department of Defense which is used by an activity or agency of the Department of Defense (other than a military department) shall be under the jurisdiction of a military department designated by the Secretary of Defense.

(Added Pub. L. 88–174, title VI, § 609(a)(1), Nov. 7, 1963, 77 Stat. 329; amended Pub. L. 97–214, § 10(a)(7), July 12, 1982, 96 Stat. 175.)

AMENDMENTS

1982—Pub. L. 97–214 substituted “maintenance and repair” for “construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension”.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–214 effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97–214, set out as an Effective Date note under section 2801 of this title.

§ 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

(a) Notwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(b) The authority granted by subsection (a) is in addition to and not instead of that granted by any other provision of law.

(c)(1) Except as provided in paragraphs (2) and (3), the Secretary concerned shall establish and

enforce as the minimum drinking age on a military installation located in a State the age established by the law of that State as the State minimum drinking age.

(2)(A) In the case of a military installation located—

- (i) in more than one State; or
- (ii) in one State but within 50 miles of another State or Mexico or Canada,

the Secretary concerned may establish and enforce as the minimum drinking age on that military installation the lowest applicable age.

(B) In subparagraph (A), the term “lowest applicable age” means the lowest minimum drinking age established by the law—

- (i) of a State in which a military installation is located; or
- (ii) of a State or jurisdiction of Mexico or Canada that is within 50 miles of such military installation.

(3)(A) The commanding officer of a military installation may waive the requirement of paragraph (1) if such commanding officer determines that the exemption is justified by special circumstances.

(B) The Secretary of Defense shall define by regulations what constitute special circumstances for the purposes of this paragraph.

(4) In this subsection:

(A) The term “State” includes the District of Columbia.

(B) The term “minimum drinking age” means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

(Added Pub. L. 91–511, title VI, § 613(1), Oct. 26, 1970, 84 Stat. 1226; amended Pub. L. 92–545, title VIII, § 707, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93–283, § 3, May 14, 1974, 88 Stat. 141; Pub. L. 99–145, title XII, § 1224(a), (b)(1), (c)(1), Nov. 8, 1985, 99 Stat. 728, 729; Pub. L. 99–661, div. A, title XIII, § 1343(a)(18), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100–526, title I, § 106(b)(2), Oct. 24, 1988, 102 Stat. 2625.)

AMENDMENTS

1988—Subsec. (c)(2)(B). Pub. L. 100–526, § 106(b)(2)(A), substituted “the term ‘lowest applicable age’” for “‘lowest age’”.

Subsec. (c)(4)(A). Pub. L. 100–526, § 106(b)(2)(B)(i), substituted “The term ‘State’” for “‘State’”.

Subsec. (c)(4)(B). Pub. L. 100–526, § 106(b)(2)(B)(ii), substituted “The term ‘minimum’” for “‘Minimum’”.

1986—Subsec. (b). Pub. L. 99–661 struck out “this” before “subsection (a)”.

1985—Pub. L. 99–145, § 1224(c)(1), inserted “; minimum drinking age on military installations” in section catchline.

Subsec. (b). Pub. L. 99–145, § 1224(b)(1), substituted “subsection (a)” for “section”.

Subsec. (c). Pub. L. 99–145, § 1224(a), added subsec. (c).

1974—Subsec. (a). Pub. L. 93–283 substituted “Secretary concerned” for “Secretary of a military department”.

1972—Subsec. (a). Pub. L. 92–545 provided for relinquishment of all or part of legislative jurisdiction of the United States over lands or interests to Commonwealths, territories, or possessions of the United States.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1224(d) of Pub. L. 99–145 provided that: “The amendments made by this section [amending this sec-

tion and section 473 of Title 50, Appendix, War and National Defense] shall take effect 90 days after the date of the enactment of this Act [Nov. 8, 1985].”

§ 2684. Cooperative agreements for management of cultural resources

(a) **AUTHORITY.**—The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government or other entity for the preservation, management, maintenance, and improvement of cultural resources located on a site authorized by subsection (b) and for the conduct of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

(b) **AUTHORIZED CULTURAL RESOURCES SITES.**—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

- (1) on a military installation; or
- (2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.

(c) **APPLICATION OF OTHER LAWS.**—Section 1535 and chapter 63 of title 31 shall not apply to a cooperative agreement entered into under this section.

(d) **CULTURAL RESOURCE DEFINED.**—In this section, the term “cultural resource” means any of the following:

- (1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)).
- (2) Cultural items, as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).
- (3) An archaeological resource, as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).
- (4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.
- (5) An Indian sacred site, as defined in section 1(b)(iii) of Executive Order No. 13007.

(Added Pub. L. 104–201, div. B, title XXVIII, § 2862(a), Sept. 23, 1996, 110 Stat. 2804; amended Pub. L. 105–85, div. A, title X, § 1073(a)(58), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 110–181, div. B, title XXVIII, § 2824, Jan. 28, 2008, 122 Stat. 545.)

REFERENCES IN TEXT

Executive Order No. 13007, referred to in subsec. (d)(5), is set out under section 1996 of Title 42, The Public Health and Welfare.

PRIOR PROVISIONS

A prior section 2684, added Pub. L. 93–166, title V, § 509(a), Nov. 29, 1973, 87 Stat. 677, related to construction of family quarters and limitations on space, prior to repeal by Pub. L. 97–214, §§ 7(1), 12(a), July 12, 1982, 96

Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date. See section 2826 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181, § 2824(a)(1), substituted “located on a site authorized by subsection (b)” for “on military installations”.

Subsecs. (b) to (d). Pub. L. 110–181, § 2824(a)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (d)(5). Pub. L. 110–181, § 2824(b), added par. (5). 1997—Subsec. (b). Pub. L. 105–85 struck out “, United States Code,” after “title 31”.

§ 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Defense or the Secretary of a military department may enter into an agreement with an eligible entity or entities described in subsection (b) to address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for purposes of—

- (1) limiting any development or use of the property that would be incompatible with the mission of the installation; or
- (2) preserving habitat on the property in a manner that—

(A) is compatible with environmental requirements; and

(B) may eliminate or relieve current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation.

(b) **ELIGIBLE ENTITIES.**—An agreement under this section may be entered into with any of the following:

- (1) A State or political subdivision of a State.
- (2) A private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary concerned.

(c) **INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.**—Chapter 63 of title 31 shall not apply to any agreement entered into under this section.

(d) **ACQUISITION AND ACCEPTANCE OF PROPERTY AND INTERESTS.**—(1) An agreement with an eligible entity or entities under this section shall provide for—

(A) the acquisition by the entity or entities of all right, title, and interest in and to any real property, or any lesser interest in the property, as may be appropriate for purposes of this section; and

(B) the sharing by the United States and the entity or entities of the acquisition costs in accordance with paragraph (3).

(2) Property or interests may not be acquired pursuant to the agreement unless the owner of